

# **EXHIBIT A**



\*\*REDACTED\*\*

U.S. EQUAL OPPORTUNITY COMMISSION  
INTAKE QUESTIONNAIRE846-2010-5521  
JUN 18 2010

Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). REMEMBER, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days or in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "N/A." (PLEASE PRINT)

## 1. Personal Information

Last Name: Black First Name: Darcey MI: M

Street or Mailing Address: 253 Payne Ave. Apt or Unit #: Lower

City: No. Tonawanda County: Niagara State: NY Zip: 14210

Phone Numbers: Home: (716) 694-4423 Work: (716) 693-4509

Cell: \_\_\_\_\_ Email Address: \_\_\_\_\_

Date of Birth: 12/15/1970 Sex:  Male  Female Do You Have a Disability?  Yes  No

Please answer each of the next three questions. i. Are you Hispanic or Latino?  Yes  No

ii. What is your Race? Please choose all that apply.  American Indian or Alaskan Native  Asian  White

Black or African American  Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? American

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_

## 2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer  Union  Employment Agency  Other (Please Specify) \_\_\_\_\_

Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here  and provide the address of the office to which you reported.) If more than one employer is involved, attach additional sheets.

Organization Name: Black Angus Meats

Address: 2519 Niagara Falls Blvd County: Erie

City: Amherst State: NY Zip: 14226 Phone: (716) 691-4554

Type of Business: Meat Shop Job Location if different from Org. Address: \_\_\_\_\_

Human Resources Director or Owner Name: Robert Siefert Phone: (716) 691-4554

Number of Employees in the Organization at All Locations: Please Check (✓) One

Fewer Than 15  15 - 100  101 - 200  201 - 500  More than 500

3. Your Employment Data (Complete as many items as you are able.) Are you a federal employee?  Yes  No

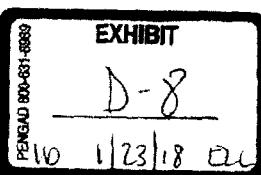
Date Hired: 5-14-04 Job Title At Hire: Wrangler, Packer + Cleaner

Pay Rate When Hired: \$7.50 Last or Current Pay Rate: \$10.00

Job Title at Time of Alleged Discrimination: Wrangler, Packer Date Quit/Discharged: 5-25-2010

Name and Title of Immediate Supervisor: Bob Siefert - Owner

If Job Applicant, Date You Applied for Job 5-14-04 Job Title Applied For Wrangler - meat shop



4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

Race  Sex  Age  Disability  National Origin  Religion  Retaliation  Pregnancy  Color (typically a difference in skin shade within the same race)  Genetic Information; circle which type(s) of genetic information is involved:  
i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: \_\_\_\_\_

If you checked genetic information, how did the employer obtain the genetic information? \_\_\_\_\_

Other reason (basis) for discrimination (Explain): \_\_\_\_\_

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.  
(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A. Date: 5/15/2010 Action: Co-worker called my children  
Niggers

Name and Title of Person(s) Responsible: Jamie - Cleaner

B. Date: 2/2010 Action: manager yelled at me about my  
Breaks, but singled me out, he did Nothing to the guys

Name and Title of Person(s) Responsible: Keegan Roberts - manager

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

yes I believe that these were discriminatory because  
they are very mean to the girls, and the guys can say do  
what they want to

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title? anyone.  
that it happens in Politics and Sports - Robert Siebert -  
owner

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated better than you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
A. Mark - white - M - 20's - USA - worker			<u>He takes a lot of time, also</u>

A. Mark - white - M - 20's - USA - worker - is late everyday and gets in trouble

B. Jamie Lepress - M - 30 - USA - worker - He says and does what he wants, He has rude comments always about Black people

Of the persons in the same or similar situation as you, who was treated worse than you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
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A. No ONE.

B. \_\_\_\_\_

Of the persons in the same or similar situation as you, who was treated the same as you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
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A. Debbie Nigryach - White - F - 50's - USA - worker Verbally - overwork her

B. \_\_\_\_\_

Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:

- Yes, I have a disability
- I do not have a disability now but I did have one
- No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

Yes  No

If "Yes," what medication, medical equipment or other assistance do you use?

\_\_\_\_\_

\_\_\_\_\_

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

Yes  No

If "Yes," when did you ask? \_\_\_\_\_ How did you ask (verbally or in writing)? \_\_\_\_\_

Who did you ask? (Provide full name and job title of person)

\_\_\_\_\_

Describe the changes or assistance that you asked for: \_\_\_\_\_

\_\_\_\_\_

How did your employer respond to your request? \_\_\_\_\_

\_\_\_\_\_

\* \* REDACTED \* \*

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

Full Name	Job Title	Address & Phone Number	What do you believe this person will tell us?
A. Debbie Nearuch - Worker			She heard Jamie call my my kids niggers [REDACTED]
B. Tommy Howell - Butcher			He heard Jamie call my [REDACTED] kids niggers [REDACTED]

14. Have you filed a charge previously on this matter with the EEOC or another agency?  Yes  No

15. If you filed a complaint with another agency, provide the name of agency and the date of filing: No

16. Have you sought help about this situation from a union, an attorney, or any other source?  Yes  No  
Provide name of organization, name of person you spoke with and date of contact. Results, if any?

Josephine Greco - lawyer. I will meet with her on  
June 26th 2010

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

**BOX 1**  I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

**BOX 2**  I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

Darcy M. Black  
Signature

6-14-2010

Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974; Public Law 93-579. Authority for requesting personal data and the uses thereof are:

- 1) FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/2008).
- 2) AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a)
- 3) PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
- 4) ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
- 5) WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.

- My name is Darcy Black and I have finally had enough Verbal and mental abuse. Now I can add racist comments.

- The thing that finally set me to put in my 2 weeks notice was one of my co-workers called my boys "Niggers", and when I was approached by the owner Bob Siebert, to discuss my 2 week notice, He (Bob Siebert) told me that stuff happens like that all the time, so I asked Bob, "So it is okay for Jamie to called my kids niggers", and Bob said that it happens in Sports and politics, so basically just deal with it. I was punched in for work for about 2 hrs. 40 mins. and Bob told me to leave now, so I got my things together and left crying.

- Another episode that happened was Keegan told all of us employees to wrap Boneless Breast  $\frac{1}{2}$  case whole breasts +  $\frac{1}{2}$  case  $\frac{1}{2}$  Breast. Boneless Breast sat in the cooler for a couple of days, and no one would wrap it, so Tommy (The Butcher) told me to wrap that Breast because he is sick of asking them to do it at night, and they don't.

So I started to wrap the BNS Brst before I could get to my other duties. When I was almost done Bob came in and started yelling at me in front of 6 employee's and 4 customers, I tried to explain to him that I was just wrapping it the way Keegan told me too, but he kept getting louder. So I stopped and just shut up, Bob said from now on wrap 1's Brst per pack, I tried to show him that I had a lot of Brst wrapped in 1/2's but, he was being mean and loud. So I stood there and let him yell at me until he was done. Then ~~when~~ when he was done I felt my heart start racing. So I told Debbie I was gonna punch out for my break, I went to my car and I had an anxiety attack and cried for about 20 minutes.

- Then the next day I had to empty the frozen wrapped meat, and they had to wrap the BNS Brst ~~from~~ <sup>2</sup> the counter the night before, but that was alright because the owner's daughter was working at that time.

I have worked at Black Angus for 6 yrs. and 1/2 yrs ago I asked for a raise, and all I got was ~~to~~ right now is not a good time, and a couple weeks later 2 of these daughters have houses, Bob ~~has~~ has a huge garage built with a heated floor on 1 of his 4 properties. Bob alone has 4 homes - 1 on Bear Ridge Rd 1 in the country - Iowa 1 - Florida, But his daughter started working there about 2 yrs ago and makes 700.00 a week. Salary a doesn't even work 35 hrs. The guys are all ~~way~~ <sup>way</sup> 12<sup>00</sup> and over, But the girls that work there are worked the hardest, But we are all supposed to have some responsibilities, But we are all treated very differently, most of the guys are late everyday plus the owners daughter. But the 2 other women workers (Darcy, Debbie) we are never late nor do we call in sick. I was never late in 6 yrs (unless I lost my power, in which I called ~~to~~ right away) BUT the guys never call, and they don't get into trouble for being up to 1 hour late.